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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,731	08/03/2001	Christopher Joel Pearson	12899-00003	8784

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EXAMINER	
ELMORE, REBA I	

ART UNIT	PAPER NUMBER
2187	3

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/921,731	PEARSON, CHRISTOPHER JOEL	
	Examiner	Art Unit	
	Reba I. Elmore	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-31are presented for examination.

Abstract

2. The abstract is objected to because:

The abstract is objected to since the presented abstract is comprised of two paragraphs instead of one.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

4. Claim 29 is objected to because:

the 'an' before 'requesting' on line 2 is redundant and not needed and needs to be deleted to clean up the claim language.

35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by McCurley et al.

7. McCurley teaches the invention (claim 1) as claimed including a system for sharing files among a plurality of computers on a wide-area network comprising:

a first networked computer (e.g., see paragraphs 0038-0039);

a second networked computer (e.g., see paragraphs 0038-0039); and,

wherein a user-selected file is reliably transferred from any one of the computers to any other one of the computers using User Datagram Protocol data packets (e.g., see paragraph 0067).

8. McCurley teaches the invention (claim 2) as claimed including a system for sharing files among a plurality of computers comprising:

a first computer (e.g., see paragraphs 0038-0039);

a second computer (e.g., see paragraphs 0038-0039);

wherein a user-selected file is transferred from the first computer to the second computer via a network using User Datagram Protocol data packets (e.g., see paragraph 0067); and,

wherein the first computer is coupled to the network via a first address-translating device and the second computer is coupled to the network via a second address-translating device as the

system ability to interface with Layer 2 Tunneling Protocol and Personal Virtual Private Networks which rely on address translations as a basic addressing component (e.g., see paragraph 0010).

9. McCurley teaches the invention (claim 3) as claimed including a network-based file-sharing comprising:

a first host computer and a plurality of other host computers, each host computer having a processing unit and a storage (e.g., see paragraphs 0050-0052);

wherein the first host computer is programmed to generate from the plurality of other host computers a list of other host computers where a user-selected file is stored as one host being able to proxy for other host machines (e.g., see paragraph 0065 and Figure 4);

wherein the first host computer is further programmed to select a second host computer from the list of other host computers based on an indication of a transfer time from the second host computer to the first host computer (e.g., see paragraph 0065 and Figure 4); and,

wherein the first host computer is further programmed to retrieve at least a portion of the particular file from the second host computer using User Datagram Protocol data packets (e.g., see paragraph 0067).

As to claim 4, McCurley teaches the first host computer is programmed to select from the list of other host computers a second host computer having the greatest responsiveness to the first host computer as a component of using SOCKS (e.g., see paragraph 0018).

As to claim 5, McCurley teaches the first host computer selects as the second host computer the host computer from the list of other host computers with the fastest transfer time

from the second host computer to the first host computer as a component of using SOCKS (e.g., see paragraph 0018).

10. McCurley teaches the invention (claim 6) as claimed including a system for sharing files over a wide-area network comprising:

a first plurality of hosts connected over the wide-area network (e.g., see paragraph 0055); and,

a first host having a processing unit, a storage, and a first set of machine instructions storable in the storage and executable by the processing unit for retrieving a respective portion of a user-selected file from each of a second plurality of hosts selected from the first plurality of hosts and coupled to the first host via a network (e.g., see paragraph 0065 and Figure 4).

As to claim 7, McCurley teaches the first host resides on a first local-area network coupled to the wide-area network via a first address-translating device (e.g., see paragraphs 0010 and 0055).

As to claim 8, McCurley teaches the second host resides on a second local-area network coupled to the wide-are network via a second address-translating device (e.g., see paragraphs 0010 and 0055).

As to claim 9, McCurley teaches the first address-translating device is coupled to the second address-translating device only via the wide-area network (e.g., see paragraphs 0010 and 0055).

As to claim 10, McCurley teaches the first local-area network is different from the second local-area network as the overall system being comprised of a variety of network types (e.g., see paragraph 0178).

As to claim 11, McCurley teaches the respective portion of the user-selected file retrieved from each of the second plurality of hosts is retrieved using User Datagram Protocol data packets (e.g., see paragraph 0067).

11. McCurley teaches the invention (claim 12) as claimed including a system for sharing files over a wide-area network comprising:

a plurality of hosts connected over the wide-area network (e.g., see paragraph 0055);

a registry server independent of the hosts and coupled to the wide-are network for maintaining a registry containing for each of a plurality of files a message digest uniquely identifying the file and an indication of restriction status of the file (e.g., see paragraph 0055);

a first host having a processing unit, a storage, and a first set of machine instructions storable in the storage and executable by the processing unit for retrieving a user-selected file from at least one of the hosts coupled to the first host via the wide-area network (e.g., see paragraph 0055);

wherein access to the file by the first host from the plurality of hosts is based on the indication in the registry of restriction status of the user-selected file as part of the capabilities of SOCKS (e.g., see paragraph 0018).

As to claim 13, McCurley teaches the user-selected file is retrieved by the first host using User Datagram Protocol data packets (e.g., see paragraph 0067).

12. McCurley teaches the invention (claim 14) as claimed including a network-based file-sharing system comprising:

a first host computer and a plurality of other host computers, each host computer having a processing unit and a storage (e.g., see paragraphs 0050-0052);

the first host computer having generating means for generating from the plurality of other host computers a list of other host computers where a user-selected file is stored (e.g., see paragraph 0065 and Figure 4);

selecting means for selecting a second host computer form the list of other host computers based on an indication of a transfer time from the second host computer to the first host computer as a component of SOCKS (e.g., see paragraph 0018); and,

retrieving means for retrieving at least a portion of the particular file from the second host computer using User Datagram Protocol data packets (e.g., see paragraph 0067).

As to claim 15, McCurley teaches the selecting means of the first host computer selects from the list of other host computers a second host computer having a faster transfer time to the first host computer as component of SOCKS (e.g., see paragraph 0018).

13. McCurley teaches the invention (claim 16) as claimed including a method of sharing files among a plurality of computers on a wide-area network comprising:

a fist networked computer and a second networked computer (e.g., see paragraphs 0038-0039);

the method comprising:

reliably transferring a user-selected file form any one of the computers to any other one of the computers using User Datagram Protocol data packets (e.g., see paragraph 0067).

14. McCurley teaches the invention (claim 17) including a method of sharing files among a plurality of computers including a first computer and a second computer, the method comprising:

transferring a user-selected file form the first computer to the second computer via a network using User Datagram Protocol data packets (e.g., see paragraph 0067).

wherein the first computer is coupled to the network via a first address-translating device and the second computer is coupled to the network via a second address-translating device as the system ability to interface with Layer 2 Tunneling Protocol and Personal Virtual Private Networks which rely on address translations as a basic addressing component (e.g., see paragraph 0010).

15. McCurley teaches the invention (claim 18) as claimed including a network-based file sharing method comprising:

providing a first host computer and a plurality of other host computers, each host computer having a processing unit and a storage (e.g., see paragraphs 0050-0052);

generating at the first computer from among the plurality of other host computers a list of those of he other host computers where a user-selected file is stored as one host being able to proxy for other host machines (e.g., see paragraph 0065 and Figure 4);

selecting a second host computer from the list of other host computers based on an indication of a transfer time from the second host computer to the first host computer (e.g., see paragraph 0065 and Figure 4); and,

retrieving at least a portion of the particular file from the second host computer using User Datagram Protocol data packets (e.g., see paragraph 0067).

As to claim 19, McCurley teaches selecting from the list of other host computers a second host computer having a fastest transfer time to the first host computer as a component of SOCKS (e.g., see paragraph 0018).

As to claim 20, McCurley teaches selecting as the second host computer the host computer from the list of other host computers with the fastest transfer time from the second host computer to the first host computer as a component of SOCKS (e.g., see paragraph 0018).

16. McCurley teaches the invention (claim 21) as claimed including a method of sharing files over a wide-area network comprising:

providing a first plurality of hosts connected over the wide-area network (e.g., see paragraph 0055); and,

providing a first host having a processing unit, a storage and a first set of machine instructions storable in the storage and executable by the processing unit for retrieving a respective portion of a user-selected file form each of a second plurality of hosts selected from the first plurality of hosts and coupled to the first host via a network (e.g., see paragraph 0055);

As to claim 22, McCurley teaches the first host resides on a first local-area network coupled to the wide-area network via a first address-translating device (e.g., see paragraphs 0010 and 0055).

As to claim 23, McCurley teaches the second host resides on a second local-area network coupled to the wide-area network via a second address-translating device (e.g., see paragraphs 0010 and 0055).

As to claim 24, McCurley teaches the first address-translating device is coupled to the second address-translating device only via the wide-area network (e.g., see paragraphs 0010 and 0055).

As to claim 25, McCurley teaches the first local-area network is different from the second local-area network as the overall system being comprised of a variety of network types (e.g., see paragraph 0178).

As to claim 26, McCurley teaches using Use Datagram Protocol to retrieve the respective portion of he user-selected file form each of the second plurality of hosts (e.g., see paragraph 0067).

17. McCurley teaches the invention (claim 27) as claimed a method of sharing files over a wide-area network comprising:

connecting a plurality of hosts over the wide-area network (e.g., see paragraph 0055);

coupling a registry server independent of he hosts to the wide-area network for maintaining a registry containing, for each of a plurality of files, a message digest uniquely identifying the file and an indication of restriction status of the file (e.g., see paragraph 0055);

providing a first host having a processing unit, a storage, and a first set of machine instructions storable in the storage and executable by the processing unit for retrieving a user-selected file from at least one of the hosts coupled to the first host via the wide-area network (e.g., see paragraph 0055); and,

wherein access to the file by the first host from the plurality of hosts is based on the indication in the registry of restriction status of the user-selected file as part of the capabilities of SOCKS (e.g., see paragraph 0018).

As to claim 28, McCurley teaches retrieving the user-selected file to the first host using User Datagram Protocol data packets (e.g., see paragraph 0067).

18. McCurley teaches the invention (claim 29) as claimed including a computer-based system for sharing files over a computer network including a requesting host computer and a plurality of other host computers coupled to the first host computer via a network, the requesting host computer comprising:

a processing unit (e.g., see paragraphs 0038-0039);

a storage (e.g., see paragraphs 0038-0039);

a first set of machine instructions storable in the storage and executable by the processing unit for acquiring an indication of a user-selected file as each computer in the network having its own set of instructions as well as specific network and security instructions (e.g., see paragraphs 0049-0053);

a second set of machine instructions storable in the storage and executable by the processing unit for generating at the requesting host computer from among the plurality of other host computers a list of those of the host computers where the user-selected file is stored as each computer in the network having its own set of instructions as well as specific network and security instructions (e.g., see paragraphs 0049-0053);

a third set of machine instructions storable in the storage and executable by the processing unit for selecting a source host computer from the list of other host computers based on an indication of a transfer time from the source host computer to the requesting host computer as each computer in the network having its own set of instructions as well as specific network and security instructions (e.g., see paragraphs 0049-0053); and,

a fourth set of machine instructions storable in the storage and executable by the processing unit for retrieving at least a portion of the particular file from the second host

computer using User Datagram Protocol data packets as each computer in the network having its own set of instructions as well as specific network and security instructions (e.g., see paragraphs 0049-0053).

As to claim 30, McCurley teaches a fifth set of machine instructions storable in the storage and executable by the processing unit for selecting from the list of other host computers a source host computer having a fastest transfer time to the requesting host computer as each computer in the network having its own set of instructions as well as specific network and security instructions (e.g., see paragraphs 0049-0053).

As to claim 31, McCurley teaches a fifth set of machine instructions storable in the storage and executable by the processing unit for selecting as the source host computer the host computer from the list of other host computers with the fastest transfer time to the requesting host computer as capabilities of SOCKS (e.g., see paragraph 0018).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reba I. Elmore, whose telephone number is (703) 305-9706. The examiner can normally be reached on M-TH from 7:30am to 6:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor for AU 2187, Donald Sparks, can be reached for general questions concerning this application at (703) 308-1756. Additionally, the official fax phone number for the art unit is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center receptionist whose telephone number is (703) 305-3800/4700.

Reba I. Elmore
Primary Patent Examiner
Art Unit 2187

September 29, 2004